

NOTE: The court has reviewed the objections below and has indicated in highlighting and bolded letters the objections that are sustained. Such objections are sustained in their entirety unless noted otherwise (in which case they are sustained only as to certain portions of the deposition in question, as noted). All other objections overruled. /s/ Richard G. Stearns

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

R G Stearns DJ
1-26-18.

58 SWANSEA MALL DRIVE, LLC,

Plaintiff/Counterclaim Defendant,

v.

GATOR SWANSEA PROPERTY, LLC,

Defendant/Counterclaim Plaintiff.

Civil Action No. 15-cv-13538

**DEFENDANT'S OBJECTIONS AND COUNTER DESIGNATIONS
TO PLAINTIFF'S DEPOSITION DESIGNATIONS**

Defendant, Gator Swansea Property, LLC ("Gator"), by and through undersigned counsel, hereby submits its objections and counter deposition designations to the deposition designations submitted by Plaintiff, 58 Swansea Mall Drive, LLC ("58 Swansea") as follows:

Gabe Wilson/Zurich Corporate Representative

58 Swansea's Designations

195:17-197:1

Gator's Objection

Relevance; Hearsay; Speculation

Gator's Counter Designations

200:2-201:25

202:17-21

204:1-9

Dennis Bachman/Wakefern Corporate Representative

58 Swansea's Designations

46:10-14

118:4-120:6

119:7-120:2

121:8-22

125:23-126:20

Gator's Objections

Improper Exhibit Testimony; Lack of Foundation

Relevance

Speculation

Relevance - as to lines 19-22

Relevance

Gator's Counter Designations

8:18-9:19

12:7-25

Gator's Counter Designations from Deposition of Robert Richmond/Wakefern Corp. Rep.

5:15-17
11:20-12:17
15:14-17:8
17:22-18:20
23:1-5
24:6-25:25
39:2-18
40:23-41:7
43:10-15
47:9-20
56:23-57:4
57:19-58:9
58:18-59:7
60:17-61:8
64:3-22
65:7-11

Together with the following exhibits, to the extent the same are listed among the Agreed Exhibits or Defendant's Exhibits (CA-JH), Exhibits 6, 8, 9 and 10.

Marc Shandler

58 Swansea's Designations

46:21-51:21

55:23-57:20

60:22-61:7
62:24-63:12
96:4-8

Gator's Objections

Attorney/Client Privilege; Work Product Privilege;

Relevance; Lack of Foundation; Improper Exhibit Testimony

Attorney/Client Privilege; Work Product Privilege;

Relevance; Lack of Foundation; Improper Exhibit Testimony

Relevance; Hearsay; Improper Exhibit Testimony

Relevance; Hearsay; Improper Exhibit Testimony

Hearsay; Improper Exhibit Testimony; Lack of Foundation

Gator's Counter Designations

42:19-46:3
96:15-22

Mike Marcone/Marcone Capital, Inc.

58 Swansea's Designations

79:15-21

80:9-15

81:7-22

81:23-82:1

142:4-16

145:7-18

Gator's Objections

Hearsay; Lack of Foundation

Speculation; Non-responsive

Speculation; Non-responsive

Lack of Foundation; Improper Expert Testimony

Speculation; Non-responsive

Improper Exhibit Testimony; Lack of Foundation

157:13-19

210:4-13

211:4-20

Gator's Counter Designations

44:21-46:2

85:23-87:2

145:19-146:5

223:7-24

Coulton Brooks

58 Swansea's Designations

79:19-80:16

80:18-81:3

81:4-82:5 - as to 81:24-82:5

82:11-83:8 - as to 83:2-8

83:10-84:3

87:24-88:21

117:18-120:15

123:7-123:20

124:17-125:6

189:1-11

Gator's Counter Designations

86:3-87:14

87:23-88:14

125:7-126:9

James Goldsmith

58 Swansea's Designation

20:7-21:5

21:6-22:23 - as to 21:6-22:7

31:20-24

32:1-33:9

33:10-34:19

160:24-161:4

161:5-18

166:15-21

171:8-24

172:1-20

Hearsay

Lack of Foundation; Improper Expert Testimony;
Speculation; **Argumentative**

Speculation; Lack of Foundation; Lack of Qualification

Gator's Objections

Improper Expert Testimony

Speculation; Improper Expert Testimony

Improper Expert Testimony; **Calls for Legal Conclusion;**
Speculation

Improper Expert Testimony; **Calls for Legal Conclusion;**
Speculation

Improper Expert Testimony; **Calls for Legal Conclusion;**

Improper Expert Testimony; **Calls for Legal Conclusion;**
Speculation

Improper Designation/Legal Argument by Counsel

Improper Expert Testimony; **Calls for Legal Conclusion**

Improper Expert Testimony; Calls for Legal Conclusion;
Speculation

Improper Expert Testimony

Gator's Objections

Relevance;

Speculation Relevance

Relevance; Speculation

Relevance; Speculation

Relevance; Speculation

Privilege

Relevance

Privilege

Privilege

Privilege

172:21-24	Argumentative
173:1-5	Argumentative
173:7-24	Privilege
174:3-15	Privilege
176:8-13	Privilege
176:23-24	Privilege
177:1-8, 17-21	Privilege
178:13-24	Relevance
179:1-8	Privilege
179:11-18	Privilege
196:21-24	Privilege
197:1-14	Privilege
197:15-20	Argumentative
197:21-24	Privilege
198:1-11	Privilege
198:19-24	Privilege
199:3-24	Answered
200:1-3	Privilege
200:4-10	Argumentative

Gator's Counter Designations

168:10-19
169:9-14
188:6-20
189:7-24
190:1-24
191:1-24
192:1-3
193:18-24
194:1-3, 11, 23-24
195:1-5
202:14-24
203:1-11
215:5-13
235:13-24
236:1-5
241:12-242:20
244:7-24
245:8-24
246:1-24
247:12-24
248:1-24
249:1-2

James Goldsmith 30(b)(6)

58 Swansea's Designations

122:20-24

123:1

123:22-24

124:1-2

124:3-24

125:1-10

125:11-24

126:1-24

127:1-24

128:1-13

289:22-24

290:1-24

291:1-24

292:1-11

Gator's Objections

Privilege

Privilege

Privilege

Privilege

Privilege

Privilege

Privilege

Privilege

Privilege

Privilege

Relevance

Relevance

Relevance

Relevance

Gator's Counter Designations

147:9-24

148:1-18

148:20-24

149:1-22

149:24

150:1-15

156:13-23

157:1-8

292:19-24

293:1-15

294:1-11

Respectfully submitted,

s/Ricardo A. Reyes

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 24, 2018, a true and accurate copy of the foregoing will be served via the ECF system on all counsel of record, and that any counsel not receiving electronic notifications via the ECF system will be served via first class U.S. mail, postage prepaid.

s/Ricardo A. Reyes